Appl. No. 10/652,131
Amendment dated July 19, 2005
Reply to Office Action of April 19, 2005

· Remarks/Arguments

a.   Claims 1-25 are pending and of these, claims 11-17 are allowed and claims 1-10 and 18-25 stand rejected on grounds under §103(a).

Claim 1 has been amended to repeat a feature noted in the preamble with one of the elements. No new matter has been added with this amendment.

In view of the comments below, Applicant respectfully requests that the Examiner enter the amendment to claim 1, reconsider the present application including claims 1-25 and withdraw the rejection of claims 1-10 and 18-25.

b.   Applicant notes with appreciation that the drawings as originally filed have been accepted.

c.   Applicant further notes with appreciation that claims 11-17 have been allowed.

d.   Claims 1-7, (and 8-10 – see below) and 18-25 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Tani et al (U.S. Patent No. 5,606,160). The Examiner did not appear to address claims 8-9 nor include claim 10 in the introductory portion of this rejection in the Office Action of April 19, 2005, however Applicant presumes that the Examiner intended this rejection to apply to claims 1-10 and 18-25

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Claim 1 and claim 18 are in independent form with other claims dependent on the closest lower numbered one of the independent claims.

Applicant notes that claim 11 (another independent claim) has been allowed and the Examiner's reasons for the allowance, specifically, "the prior art of record fails to teach or fairly suggest in conjunction with all the other claimed limitations, setting the flag in a first area of the non-volatile storage medium to determine whether an update of the second area of the non-volatile storage medium has been performed."

Applicant concurs with the Examiner's view of claim 11, noting particularly that among other features claim 11 recites "reading a flag in a first area of the non-volatile storage medium to determine whether an update of a second area of the non-volatile storage medium has been performed".

Applicant will initially discuss claim 18 followed thereafter by claim 1. Applicant notes that claim 18 recites analogous features, specifically among others, "processor configured to: check a flag associated with a pre-configured data image stored in the first area to determine whether an update to the second area of the non-volatile memory is required". It appears that other features of claim 11 are also recited in the apparatus context of claim 18, albeit in varying scope and with varying language.

In view of these observations and comments, Applicant respectfully submits that all features (at least the specific one noted above) of claim 18 are not shown or suggested by Tani et al. (US Patent No. 5,606,160). The Examiner agrees with this view of Tani et al in the context of claim 11. Thus and at least for these reasons, Applicant respectfully requests that the Examiner

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reconsider and withdraw this rejection of claims 18 and dependent claims 19-25 under 35 U.S.C.

103(a) based on Tani et al (U.S. Patent No. 5,606,160).

Referring to claim 1, a method of provisioning a product that has a non-volatile storage

medium is defined. Generally Applicant is baffled as to how Tani et al which concerns a CCD

device for reading a tessellated pattern code (FIG. 2) can be construed as relevant art for a claim

defining a method for provisioning a product. Furthermore Tani et al does not show or suggest

the features of claim 1 and thus does not support a §103(a) rejection of this claim.   Claim 1 reads

as follows:

"A method for provisioning a product unit having a non-volatile storage medium,
the method comprising:
reading at least a first data item of a pre-configured data image from a first area of
the non-volatile storage medium;
converting the at least first data item to form a second data item uniquely associated
with the product unit; and
storing the second data item to a second area of the non-volatile storage medium
using a first writing mode to provision the product."

The Examiner maintains in part that "Tani discloses an apparatus in which a processor

controls a memory 12 that has a first and second area (col. 6 lines 35+). It is disclosed in column

9 that serial data is converted to parallel data and this parallel data is then stored. It is inherent

that a second type *of* data (i.e. parallel) requires a second writing mode. It is disclosed in column

9 lines 45+ that a proper flag is set (i.e. stored) depending upon a proper or improper read of the

data in memory."

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The Examiner appears to be correct in so far as Tani et al does show a memory 12 controlled by a memory controller 14 together with a CPU 15. Also as the Examiner notes the memory 12 has a first and second area 12a, 12b (FIG. 4) and column 9, lines 43-48 mentions a decode error flag being set to 0 or 1 depending on results of decoding.

However nothing in Tani et al shows or suggests reading a first data item of a pre-configured data image from the first area, converting the first data item to form a second data item that is uniquely associated with the product unit, and storing the second data item in the second area of the storage medium all as specifically claimed. The serial to parallel conversion referred to by the Examiner does not provide a data item that is uniquely associated with the product unit. Furthermore this conversion is not done on data from the first memory area with the results written to the second area. Nothing in Tani et al. concerns or suggests anything to do with provisioning a product.

Thus and at least for these reasons, Applicant respectfully submits that Tani et al. does not show or suggest the features of claim 1 or at least by virtue of dependency dependent claims 2-10. Therefore, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claims 1-10 under 35 U.S.C. 103(a) based on Tani et al (U.S. Patent No. 5,606,160).
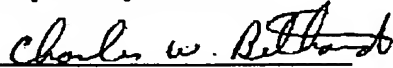
Accordingly, Applicant respectfully submits that the claims, as amended, clearly and patentably distinguish over the cited references of record and as such should be deemed allowable. Such allowance is hereby earnestly and respectfully solicited at an early date. If the

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Examiner has any suggestions or comments or questions, calls are welcomed at the phone

number below.

Although it is not anticipated that any fees are due or payable since this response is being

timely filed within the allowed 3 month time period and no other fees have been incurred, the

Commissioner is hereby authorized to charge any fees that may be required to Deposit Account

No. **50-3435**.

Respectfully submitted,

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